

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/019,022	BILANDZIC ET AL.
	Examiner Maribel Medina	Art Unit 1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Paper filed on 6/12/2002 and the telephonic interview of 9/16/04.

2.  The allowed claim(s) is/are 1-9.

3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- 4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- 5.  Notice of Informal Patent Application (PTO-152)
- 6.  Interview Summary (PTO-413),  
Paper No./Mail Date 09162004.
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_.

**Notice of Allowability**

**Information Disclosure Statement**

1. The references cited in the International Search Report (mailed on 15/11/2000) for PCT/EP/05980 have been considered, but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO-1449 form, must be filed within ONE MONTH of the mailing date of this communication. NO EXTENSION OF TIME WILL BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b) to comply with this requirement.

**Examiner's Amendment**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey S. Melcher on 9/16/2004.

The application has been amended as follows:

In claim 3, line 2, "ro" has been changed to --to--.

**Reasons for Allowance**

3. The following is an examiner's statement of reasons for allowance: Claims 1-9 are allowable upon consideration of the prior art.

Regarding claims 1-5, it is known from the prior art to precipice gibbsite type alumina hydroxide by seeding a liquor obtained from a Bayer process with aluminum crystals having a grain diameter in the 50 % range of 5 to 25  $\mu\text{m}$  (See US 5,492,542 and US 5,500,480 both in col.2, lines 5-13) however, the prior art fails to disclose or use aluminum hydroxide (e.g. bayerite) crystals having a grain diameter in the 50 % range ( $d_{50}$ ) of 1.2  $\mu\text{m}$  to 2.2 $\mu\text{m}$ .

Regarding claims 5-7, the prior art fails to disclose or suggest a gibbsite type aluminum hydroxide having a grain diameter in the 50 % range ( $d_{50}$ ) of 1.5  $\mu\text{m}$  to 4.5  $\mu\text{m}$ , in the 10 % range ( $d_{10}$ ) of 0.4  $\mu\text{m}$  to 2.0  $\mu\text{m}$  and in the 90 % range ( $d_{90}$ ) of 3.0  $\mu\text{m}$  to 9.5  $\mu\text{m}$ , a surface area (according to BET) from 1.0  $\text{m}^2/\text{g}$  to 4.0  $\text{m}^2/\text{g}$  and an aspect ratio from 4:1 to 6:1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,492,542 and US 5,500,480 both disclose a process for the production of an aluminum hydroxide.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maribel Medina whose telephone number is (571) 272-1355. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Maribel Medina*  
Maribel Medina  
Examiner  
Art Unit 1754

*Stanley S. Silverman*  
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